

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PHILLIP C. ENGERS, WARREN J.
MCFALL, DONALD G. NOERR,
and GERALD SMIT, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

AT&T, INC., AT&T PENSION BENEFIT
PLAN, and AT&T PUERTO RICAN
PENSION BENEFIT PLAN,

Defendants.

Civil Action No. 98-3660 (SRC)

ORDER

CHESLER, U.S.D.J.

This matter having come before the Court on three motions: 1) the motion for summary judgment, pursuant to Federal Rule of Civil Procedure 56, by Defendants AT&T, Inc., AT&T Pension Benefit Plan, and AT&T Puerto Rican Pension Benefit Plan (collectively, “Defendants”); 2) the motion for partial summary judgment, pursuant to Federal Rule of Civil Procedure 56, by Plaintiffs Phillip C. Engers, Warren J. McFall, Donald G. Noerr, and Gerald Smit (collectively, “Plaintiffs”); and 3) Defendants’ motion for partial summary judgment; and it appearing that this Court reviewed the parties’ submissions; and for the reasons set forth in the accompanying Opinion, and good cause appearing,

IT IS on this 7th day of June, 2010,

ORDERED that Defendants’ motion for summary judgment (Docket Entry No. 414) is **GRANTED**, and judgment is hereby entered in Defendants’ favor on the First, Second, Fourth,

Fifth, Tenth, and Twelfth Claims; and it is further

ORDERED that Plaintiffs' motion for partial summary judgment (Docket Entry No. 454) is **DENIED**; and it is further

ORDERED that Defendants' motion for partial summary judgment (Docket Entry No. 442) is **DENIED**.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.